

# Mali

## EXECUTIVE SUMMARY

Mali is a constitutional democracy. International and domestic observers characterized the 2007 presidential election, which resulted in the reelection of President Amadou Toumani Toure, and the 2007 legislative elections, as generally free and fair; however, there were some administrative irregularities. Security forces reported to civilian authorities.

The most important human rights problems are related to gender inequality, failures of the justice system, and exploitative labor relationships. Women face domestic violence to which the legal system frequently turns a blind eye, a culture that widely condones female genital mutilation (FGM), and a legal system that gives preference to men in cases of divorce or inheritance. An ineffective and corrupt legal system has meant detainees face lengthy pretrial detention unless they are willing and able to pay bribes to obtain their release. Human trafficking and exploitative labor relationships are not uncommon in the country, especially in regards to child labor.

Other human rights problems included arbitrary and/or unlawful deprivation of life, police abuse of civilians, poor prison conditions, lack of enforcement of court orders, official corruption and impunity, societal discrimination against black Tamasheqs, discrimination based on sexual orientation, and societal discrimination against persons with HIV/AIDS.

The government took steps to prosecute military officials involved in the hazing-related deaths of five military trainees on October 3, but some impunity existed in the country.

Northern Mali experienced periodic violence involving banditry, drug trafficking, clashes between rival groups, and attacks by the terrorist organization Al-Qaida in the Islamic Maghreb (AQIM).

## Section 1. Respect for the Integrity of the Person, Including Freedom from:

### a. Arbitrary or Unlawful Deprivation of Life

There were several reports that the government or its agents committed unlawful killings.

On September 21, customs officers shot and killed alleged drug trafficker Adama Diallo after a car chase outside Kadiolo, in Sikasso Region. No disciplinary actions were taken by year's end.

On March 7, in Koulikoro, a student died from a reaction to gas fired by police to disperse a demonstration (see section 2.b.).

There were no developments in the February 2010 case of minibus driver Mamadou Coulibaly, who was shot and killed while trying to flee a police checkpoint.

### b. Disappearance

There were no reports of politically motivated disappearances.

The terrorist organization AQIM held persons hostage during the year (see section 1.g.).

### c. Torture and Other Cruel, Inhuman, or Degrading Treatment or

## Punishment

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The constitution and law prohibit such practices; however, there were occasional reports that police and gendarmes employed them.

Police abused civilians, including the use of excessive force to disperse demonstrations. On March 7, police used tear gas to disperse students protesting outside their hostel; one student died after inhaling the gas. There were no other reported major injuries to victims or disciplinary actions imposed on perpetrators resulting from those incidents.

No disciplinary action was taken against police and gendarmes involved in two 2010 incidents of violence in Timbuktu or against members of the Mobile Security Group who allegedly used excessive force to disperse demonstrators in November 2010 in Bamako.

## Prison and Detention Center Conditions

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Overall prison conditions remained extremely poor and did not meet international standards. Prisons continued to be overcrowded. As of September 28, the central prison in Bamako housed 1,668 prisoners, including 1,092 pretrial detainees, in a facility designed to hold 400 persons. The Sikasso Prison held close to 615 prisoners, including 209 pretrial detainees, in a facility built for 50. Nationwide, the prisons in the eight regions and Bamako housed a total of 5,817 prisoners, including 2,522 pretrial detainees. Prison-provided food was insufficient, when it was provided, and medical facilities and sanitation were inadequate, posing serious health threats.

Prisoners have access to the same water as the local population. The drinking water is of good quality in Bamako, but there are not safe water sources at regional prisons. Prison ventilation, lighting, and temperature are comparable to many poor, urban homes. The most significant threat to prisoners' health was the lack of sanitation; prisoners have access to a bucket in their cells, but seldom an outhouse. There were not prison ombudsmen. Specific efforts were not taken during the year to improve recordkeeping or use alternative sentencing for nonviolent offenders.

In Bamako men and women were placed in separate prisons, although both male and female juvenile offenders were held in the women's prison. Conditions in the Bamako women's prison improved but did not meet international standards. Outside the capital men, women, and juveniles were held in separate cells within the same prison. Arrested individuals may be held for up to 72 hours in police stations, where there are no separate holding areas for men and women. Pretrial detainees were held with convicted prisoners. Detainees had reasonable access to visitors and were permitted to conduct religious observance. Authorities permitted prisoners and detainees to submit complaints directly or through the ombudsmen to judicial authorities without censorship and to request investigations of credible allegations of inhumane conditions, although it was not known if any prisoner had done so. The government's National Penitentiary Administration investigated and monitored prison and detention center conditions.

The government permitted prison visits by human rights monitors, and various human rights organizations conducted visits during the year. Nevertheless, nongovernmental organizations (NGOs) and other monitors were required to submit a request to the prison director, who then forwarded it to the Ministry of Justice. Approvals, which took up to one week, were routinely granted but the weeklong delay hindered the ability of monitors to ascertain if there were human rights violations. The International Committee of the Red Cross (ICRC) conducted visits during the year in accordance with its standard modalities. The National Assembly's Law Commission sent a mission composed of lawmakers and parliamentary assistants to inspect all eight regional prisons during the year. Several NGOs, including the Malian Association of Human Rights and the Malian Association of Women Lawyers, also visited prisons during the year and worked with female and juvenile prisoners to improve conditions.

## d. Arbitrary Arrest or Detention

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The constitution and law prohibit arbitrary arrest and detention, and the government generally respected these prohibitions; however, there were reports that arbitrary arrest and detention occurred in petty criminal cases.

## **Role of the Police and Security Apparatus**

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Security forces include the army, air force, gendarmerie, National Guard, national police, and the General Directorate of State Security (DGSE). The army and air force are under the control of the Ministry of Defense. The National Guard is administratively under the Ministry of Defense; however, operational control rests with the Ministry of Internal Security and Civil Protection. The Ministry of Internal Security and Civil Protection's responsibilities include maintaining order during exceptional circumstances, such as national disasters or riots. The National Guard also has specialized border security units. The national police and gendarmerie are under the Ministry of Internal Security and Civil Protection. Policemen have responsibility for law enforcement and maintaining order in urban areas, while gendarmes have that responsibility in rural areas. The DGSE has authority to investigate any case and temporarily detain persons at the discretion of its director general; it usually did so only in terrorism and national security cases.

The National Police is organized into districts. Each district has a commissioner who reports to the regional director at national headquarters. The National Police was moderately effective but seriously lacked resources and training.

Civilian authorities maintain effective control over the military and gendarmes, and the government has effective mechanisms to investigate and punish abuse and corruption. On March 29, the army arrested Colonel Satigui Sidibe and charged him with stealing 180 million CFA francs (\$350,000). There were no reports of impunity involving the security forces during the year.

## **Arrest Procedures and Treatment While in Detention**

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The law provides that suspects must be charged or released within 48 hours and that they are entitled to counsel; however, in practice detainees were not always charged within 48 hours. Suspects must be transferred from a police station to a prison within 72 hours after being arrested; however, in practice detainees were sometimes held longer than 72 hours. Limited rights of bail and the granting of conditional liberty exist, particularly for minor crimes and civil matters. On occasion authorities released defendants on their own recognizance.

Judicial warrants are required for arrest. Bailiffs normally deliver warrants, which stipulate when a person is scheduled to appear at a police station. While individuals usually were apprehended openly with warrants based on sufficient evidence and issued by a duly authorized official, there were occasions when warrants were not based on sufficient evidence or were not used.

Detainees are brought before the judiciary and have the right to a lawyer of their choice or a state-provided lawyer if they are indigent; however, an insufficient number of lawyers--particularly outside the cities of Bamako and Mopti--often prevented access to legal representation. Detainees were granted prompt access to family members, who are also their primary source for food.

Since June 2, former minister of health Ibrahim Oumar Toure has been held under house arrest for charges of abuse of public funds. In cases involving a monetary debt, the arrested person frequently resolved the case at the police precinct and the police received a portion of the recovered money.

Arbitrary Arrests: Police sometimes arrested multiple suspects in a crime, even without much direct evidence. In a burglary on August 15, police arrested the gardener, the dog sitter, and three guards and held them in jail for questioning. Police released all five men without charges after five days.

Pretrial Detention: The law stipulates charged prisoners must be tried within one year, but this limit frequently was exceeded, and lengthy pretrial detention was a problem. Lengthy trial procedures,

large numbers of detainees, judicial inefficiency, corruption, and staff shortages contributed to lengthy pretrial detention. Individuals sometimes remained in prison for several years before their cases came to trial. Many individuals could not afford bail. Approximately 52 percent of the prison population consisted of persons awaiting trial.

## **e. Denial of Fair Public Trial**

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The constitution and law provide for an independent judiciary; however, the executive branch continued to exert influence over the judicial system. Corruption and limited resources affected the fairness of trials. Bribery and influence peddling were widespread in the courts, according to domestic human rights groups.

There were problems enforcing court orders. Village chiefs and government-appointed justices of the peace decided the majority of disputes in rural areas. Justices of the peace had investigative, prosecutorial, and judicial functions. In practice these systems did not provide the same rights as civil and criminal courts. Sometimes justices were absent from their assigned areas for months at a time.

## **Trial Procedures**

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The constitution provides for the right to a fair trial, and the judiciary generally enforced this right. Defendants are presumed innocent and have the right to confront witnesses, to present witnesses and evidence on their behalf, and to appeal decisions to the Supreme Court. Except in the case of minors, trials generally were public and juries were used. Defendants have the right to be present and have an attorney of their choice. Court-appointed attorneys are provided for the indigent without charge. Defendants have the right to consult with their attorney, but administrative backlogs and an insufficient number of lawyers, particularly in rural areas, often prevented prompt access. Defendants and attorneys have access to government evidence relevant to their cases.

## **Political Prisoners and Detainees**

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There were no reports of political prisoners or detainees.

## **Civil Judicial Procedures and Remedies**

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There is an independent judiciary in civil matters, although corruption in the judicial branch was widespread and laws are biased against women, particularly in cases of divorce or inheritance. There is no separate court system for lawsuits seeking damages for, or cessation of, a human rights violation. There were reports that civil court orders were sometimes difficult to enforce, especially in cases of traditional slavery.

## **f. Arbitrary Interference with Privacy, Family, Home, or Correspondence**

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The constitution and law prohibit such actions, and the government generally respected these prohibitions in practice.

## **g. Use of Excessive Force and Other Abuses in Internal Conflicts**

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## **Killings**

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Northern Mali experienced periodic violence involving bandits, smugglers, paramilitary forces, inter- and intra-ethnic violence, and AQIM. For example, on March 11-16, a clash between Tuareg nomadic herders belonging to the Idnane and the Imghad clans resulted in the death of one person in the District of Menaka, in Gao Region, near the border with Niger.

During May and June, 15 people died in fighting between D'Aoussahak nomads in Kidal Region.

## **Abductions**

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On November 23-24, armed individuals possibly affiliated with AQIM kidnapped two French nationals in Hombori, Mopti Region, and reportedly delivered them to AQIM, which was believed to be holding them in Mali. Security forces arrested two suspects involved in the kidnapping, and investigations continued at year's end.

On November 25, armed assailants kidnapped three European tourists and killed a fourth in Timbuktu city, Timbuktu Region. The hostages, Dutch, Swedish, and South African/British nationals, reportedly are being held in Mali. The individual who died while resisting the kidnapping attempt was a German national. Security forces reportedly arrested two of the assailants and investigations continued at year's end.

AQIM kidnapped three European aid workers on October 22 from a Saharoui refugee camp in Algeria and likely moved them to Mali.

AQIM kept some of the hostages it had taken during 2010. On March 9, AQIM released Mohamed Yahya Ould Hamid, a Malian whom it held following Mauritanian army attacks on AQIM bases in Mali.

On February 24, AQIM released a Togolese, a Malagasy, and a French citizen who were abducted in September 2010 but continued to hold as hostages four other Frenchmen taken in the same raid in northern Mali.

On January 5, an individual claiming connections to AQIM attacked the French Embassy in Bamako with a handgun and improvised explosive. Tunisian national Bachir Simoun was sentenced to death by a Malian court on November 29 but was extradited to Tunisia to be tried in that country on December 15.

## **Section 2. Respect for Civil Liberties, Including:**

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### **a. Freedom of Speech and Press**

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#### **Status of Freedom of Speech and Press**

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The constitution provides for freedom of speech including for members of the press, and the government generally respected these rights in practice. An independent press and a functioning democratic political system have ensured freedom of speech and of the press. Self-censorship was reported anecdotally to be a problem.

#### **Internet Freedom**

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There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. There were numerous Internet cafes in

Bamako, but home Internet was limited by cost. Outside of Bamako there were few sites where the Internet was available for public use.

## **Academic Freedom and Cultural Events**

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There were no government restrictions on academic freedom or cultural events.

## **b. Freedom of Peaceful Assembly and Association**

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### **Freedom of Assembly**

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The constitution and law provide for freedom of assembly; however, at times the government did not respect this right in practice.

On March 7, in Koulikoro, police used tear gas to disperse students protesting the government's slowness in building an access road to their high school. One student died after having a fatal reaction to the gas.

### **Freedom of Association**

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The constitution provides for freedom of association, although the law prohibits associations deemed immoral. The government generally respected freedom of association during the year.

## **c. Freedom of Religion**

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See the Department of State's *International Religious Freedom Report* at [www.state.gov/j/drl/irf/rpt](http://www.state.gov/j/drl/irf/rpt).

## **d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons**

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The constitution and law provide for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice. Police routinely stopped and checked both citizens and foreigners to restrict the movement of contraband and to verify vehicle registrations.

The government cooperated with the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, asylum seekers, and other persons of concern.

### **Internally Displaced Persons (IDPs)**

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The government provided some assistance to IDPs, allowed the ICRC access to IDPs, and permitted IDPs to accept assistance provided by humanitarian organizations. The distances involved, difficult terrain, and land mine concerns hampered assistance efforts. The government did not attack or target IDPs or forcibly return or resettle them. The government worked with the International Organization for Migration during the year to reintegrate citizens fleeing violence and government instability in Cote d'Ivoire, Tunisia, and Libya.

## Protection of Refugees

Access to Asylum: The laws provide for the granting of asylum or refugee status. The government has established a system for providing protection to refugees. A national committee in charge of refugees operated with institutional assistance from UNHCR.

Nonrefoulement: In practice the government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion.

Temporary Protection: The government's Office of International Migration is responsible for providing temporary protection to individuals who may not qualify as refugees and provided it to 14 Mauritians, one Sierra Leonean, two Afghans, two Ivoirians, two Liberians, and two Burundians in distress during the year.

## Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The constitution and law provide citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

### Elections and Political Participation

Recent Elections: In 2007 voters elected President Amadou Toumani Toure to a second five-year term with 71 percent of the vote. Legislative elections also were held in 2007. Domestic and international observers characterized these elections as generally free, fair, and without evident fraud, but there were administrative irregularities.

Political Parties: Political parties generally operated without restrictions or outside interference.

Participation of Women and Minorities: There were 15 women in the 147-member National Assembly. There were five women in the 29-seat cabinet, including new Prime Minister Mariam Sidibe Kaidama Cisse. There were five women--including the chairperson--on the 33-member Supreme Court, and three women on the nine-member Constitutional Court.

The National Assembly had 15 members from historically marginalized pastoralist and nomadic ethnic minorities representing the eastern and northern regions of Gao, Timbuktu, and Kidal. The cabinet also had four members from these minorities.

## Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption; however, the government did not implement the law effectively, and officials frequently engaged in corrupt practices with impunity. Corruption in the judiciary was widespread. Police often were not held accountable for corruption. Officials, police, and gendarmes frequently extorted bribes. There were reports of uniformed police or individuals dressed as police directing stopped motorists to drive to dark and isolated locations, where they robbed the victims. The gendarmerie conducted investigations of police officers, although the number of officers disciplined for infractions was not available.

The constitution requires the president, prime minister, and other cabinet members to submit annually a financial statement and written declaration of their net worth to the Supreme Court. These documents were not made public.

The Malian Anticorruption Agency (CASCA) and the independent Office of the Auditor General (OAG) are

responsible for combating corruption. CASCA oversees a number of smaller anticorruption units within various government ministries and reports directly to the presidency.

The OAG's report for 2010 (released during the year) estimated that 34.8 billion CFA francs (\$70 million) in revenue had been lost in 2010 due to fraud and mismanagement, including lost revenue in agricultural and health programs.

On June 2, police arrested former health minister Ibrahim Oumar Toure, who faced charges of misappropriating millions of dollars from the Global Fund to Fight AIDS, Tuberculosis, and Malaria. Fifteen other former health ministry officials also were charged in the alleged corruption case.

The law provides for public access to government information, and the government generally granted such access for citizens and noncitizens, including foreign media. The national budget was available to the public upon request. If an information request is refused, the person who submitted the request can appeal to an administrative court, which must address the appeal within three months.

## **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights**

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally were cooperative and responsive to their views.

For example, on December 6, Human Rights Watch published a major report on the use of child labor in the country's artisanal gold mines during the year. Government officials were cooperative and responsive to their views.

Government Human Rights Bodies: The National Commission on Human Rights (CNDH) is part of the Ministry of Justice. The CNDH is an independent institution under the constitution and was restructured significantly in 2009. During the year the government provided the commission with a headquarters and small staff. On May 26, the commission presented its 2010 report on human rights specifically focused on corruption and impunity.

## **Section 6. Discrimination, Societal Abuses, and Trafficking in Persons**

The constitution and law prohibit discrimination based on social origin and status, color, language, gender, or race, but not disability. In spite of relevant legislation, citizens generally were reluctant to file complaints or press charges of discrimination, based largely on cultural factors. Absent complaints or lawsuits, the government did not aggressively pursue violations of these laws.

### **Women**

Rape and Domestic Violence: The law criminalizes rape and provides a penalty of five to 20 years' imprisonment; however, the government did not enforce the law effectively. Rape was a widespread problem. Only a small percentage of rape cases were prosecuted, since most such cases were not reported, and victims felt social pressure not to pursue charges against aggressors who were frequently close relations. There is no law specifically prohibiting spousal rape, but law enforcement officials stated the criminal laws against rape apply to spousal rape. Police and judicial authorities were willing to pursue rape cases but stopped if parties reached an agreement prior to trial. The Bamako Court of Appeals had six cases of rape on its docket for the session held during the year; however, information on the number of convictions was not available.

Domestic violence against women, including spousal abuse, was prevalent. Most cases went unreported. Spousal abuse is a crime, but the law does not specifically prohibit domestic violence. Police were reluctant to enforce laws against or intervene in cases of domestic violence. Many women were reluctant to file complaints against their husbands because they feared such allegations would



be interpreted as grounds for divorce, were unable to support themselves financially, sought to avoid social stigma, or feared further ostracism. The government's planning and statistics unit, established to track prosecutions, was not operational. Assault is punishable by prison terms of one to five years and fines of up to 500,000 CFA francs (\$1,011) or, if premeditated, up to 10 years' imprisonment.

The Ministry for the Promotion of Women, Children, and the Family distributed a guide during site visits throughout the year regarding violence against women for use by health-care providers, police, lawyers, and judges, and many NGOs operated shelters for abused female domestic laborers.

Female genital mutilation (FGM): FGM is legal in the country and widely practiced across faith and ethnic groups. While the government has taken steps to raise awareness about the harmful health effects of FGM and has successfully lowered the percentage of girls excised in at least one region of the country, it has not criminalized it. FGM was very common, particularly in rural areas, and was performed on girls between the ages of six months and six years (see section 6, Children).

Reproductive Rights: Women's ability to make decisions regarding reproduction was limited. Women faced pressure to defer responsibility to their husbands and family on reproductive issues including the number, spacing, and timing of pregnancies and often lacked sufficient information about alternative choices. Women often did not have access to contraception and skilled attendance during childbirth, including essential obstetric and postpartum care. According to the UN Population Fund (UNFPA), the contraceptive prevalence rate was 8 percent, with unmet need for family planning estimated at 29 percent. Reportedly 49 percent of births were attended by skilled health personnel. Women were equally diagnosed and treated for sexually transmitted infections, including HIV, but access to health care for both men and women was limited. According to UNFPA estimates, in 2008 the maternal mortality ratio was 830 deaths per 100,000 live births, and a woman's lifetime risk of maternal death was one in 22.

Discrimination: Family law and traditional practices favor men. Women are legally obligated to obey their husbands and are particularly vulnerable in cases of divorce, child custody, and inheritance. Women had very limited access to legal services due to their lack of education and information as well as the prohibitive cost.

While the law provides for equal property rights, traditional practices and ignorance of the law prevented women from taking full advantage of their rights. A community property marriage must be specified in the marriage contract. In addition, if the type of marriage was not specified on the marriage certificate, judges presumed the marriage was polygynous. Traditional practice discriminated against women in inheritance matters, and men inherited most of the family wealth.

Women's access to employment and economic and educational opportunities was limited. According to the National Center for Information on Women and Children, women constituted approximately 15.5 percent of the formal labor force. The government, the country's major formal sector employer, paid women the same as men for similar work. The Ministry for the Promotion of Women, Children, and the Family was charged with ensuring the legal rights of women. Women experienced economic discrimination due to social norms that favor men.

The law does not prohibit sexual harassment, and it occurred including in schools.

## Children

Birth registration: Citizenship is derived from the father. The government did not register all births immediately, particularly in rural areas. During the year the government continued conducting an administrative census to collect biometric data and assign a unique identifying number to every citizen. The process allowed the registration of children who had not been registered at birth, although the number of new birth certificates assigned was unknown. Several local NGOs worked with foreign partners during the year to register children at birth and to educate parents about the benefits of registration.

Education: The constitution provides for tuition-free universal education, and the law provides for

compulsory schooling from ages seven to 16; however, many children did not attend school. Parents often had to pay for their children's school fees as well as provide their uniform and supplies. Girls' enrollment in school was lower than boys' at all levels due to poverty, cultural tendencies to emphasize boys' education, and the early marriage of girls. Other factors affecting school enrollment included distance to the nearest school, lack of transportation, and shortages of teachers and instructional materials.

Members of the black Tamasheq community reported that some Tamasheq children were denied educational opportunities due to traditional and hereditary practices.

Koranic masters often require students under age 10, known as "garibouts," to beg for money on the streets or work as laborers in agricultural settings (see section 7.d.).

Child Abuse: There were no comprehensive statistics on child abuse; however, the problem was widespread. Most child abuse cases went unreported. Sexual exploitation of children occurred. The police and the social services department under the Ministry of Social Development, Solidarity, and the Elderly investigated and intervened in some reported cases of child abuse or neglect; however, the government provided few services for such children.

FGM was very common, particularly in rural areas, and was performed on girls between the ages of six months and six years. Approximately 92 percent of all girls and women had been subjected to FGM, although a Ministry of Health demographic study in 2006 reported that among girls and women ages 15 to 19, the rate was 85 percent. The practice was widespread except in certain northern areas, occurred among most ethnic groups, and was not subject to class boundaries. Some Malians erroneously believe the Koran prescribes the practice. There are no laws specifically prohibiting FGM; however, a government decree prohibits FGM in government-funded health centers. Government information campaigns regarding the dangers of FGM reached citizens throughout the country, and human rights organizations reported that FGM decreased among children of educated parents. Unlike previous years there were no reports of Burkinabe families crossing into Mali to evade stricter FGM laws in Burkina Faso.

Child Marriage: The marriage code allows girls under the age of 15 to marry if they have parental consent and special permission from a judge. The minimum age for girls to marry without such consent is 15. Underage marriage was a problem throughout the country. On December 2, the National Assembly passed a new Family Code that would raise the age of legal marriage to 18 for men and 16 for women; however, at year's end it was not signed by the president. Underage marriages would still be legal if approved by the child's father, or a family council if the father is deceased. According to local human rights organizations, judicial officials frequently accepted false documents claiming that girls under the age of 15 were old enough to marry. The revised Family Code has been the primary way the government has combated early marriage, although joint awareness campaigns were mounted with NGOs.

Sexual Exploitation of Children: The law does not specifically address child prostitution, but Article 229 prohibits pimping of both adults and children. The penalties are six months to three years in prison and a fine of between 20,000 and one million CFA francs (\$40-\$2,000). The country has a statutory rape law that defines 18 as the minimum age for consensual sex. However, the law is inconsistent with the legal minimum marriage age of 15 and was not enforced. Authorities cited child pornography as a form of indecent assault prohibited under the criminal code. Penalties for indecent assault range from five to 20 years in prison. The National Police's Division for Protection of Children and Morals conducted sweeps of brothels to ensure that prostitutes were of legal age and arrested brothel owners found to be holding underage girls.

For example, on May 26, police arrested Aminata Keita Diallo, director of the national infant orphanage, on charges of neglect, kidnapping, trafficking in children, and manslaughter related to the deaths of 33 children in her care between August 2010 and February, as well as at least two illegal adoptions.

## **Anti-Semitism**

The Jewish population was estimated at fewer than 50, and there were no reports of anti-Semitic acts.

## Trafficking in Persons

For information on trafficking in persons, please see the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip](http://www.state.gov/j/tip).

## Persons with Disabilities

There is no specific law protecting the rights of persons with physical, sensory, intellectual, or mental disabilities in employment, education, access to health care, or in the provision of other state services. There is no law mandating accessibility to public buildings. The Ministry of Social Development, Solidarity, and the Elderly is charged with the protection of the rights of persons with disabilities. The ministry sponsored activities to promote opportunities for persons with disabilities to generate income and also worked with NGOs, such as the Malian Federation of Associations for Handicapped Persons, which provided basic services. There was a Bamako-based school for the deaf that ostensibly falls under government responsibility, but support and resources were practically nonexistent.

## National/Racial/Ethnic Minorities

Societal discrimination against "black" Tamasheqs, often referred to by the label Bellah, continued. Some black Tamasheqs were deprived of civil liberties by other ethnic groups due to traditional slavery-like practices and hereditary servitude relationships between certain ethnic groups. Black Tamasheqs in Menaka also reported systematic discrimination by local officials and others that hindered their ability to obtain identity documents or voter registration cards, locate adequate housing, protect their animals from theft, seek legal protections, obtain education, or access development aid.

## Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

There were no publicly visible lesbian, gay, bisexual, and transgender (LGBT) organizations in the country. The free association of LGBT organizations was impeded by a law prohibiting association "for an immoral purpose"; in 2005 the then governor of the District of Bamako cited this law to refuse official recognition to a gay rights association. Although there was no official discrimination on the basis of sexual orientation at the national level; in practice, societal discrimination was widespread. The Family Code passed by the National Assembly on December 2 would forbid "homosexuals" from adopting children, but it has not been signed by the president and is not yet in force.

## Other Societal Violence or Discrimination

Societal discrimination against persons with HIV/AIDS occurred. The government implemented campaigns to increase awareness of HIV/AIDS and reduce discrimination against those with HIV/AIDS.

Mob violence occurred. For example, on June 7, high school teacher Alassane Libo Diarra was beaten to death by an angry mob after being falsely accused of stealing a handbag. Seven people were in jail at year's end awaiting trial for suspicion of involvement in his death. They remained in jail at year's end.

On July 19, clashes between gangs in Bamako's heavily populated neighborhoods of Bagadadji and Niarela resulted in the death of one child. Two suspects were awaiting trial at year's end.

## Section 7. Worker Rights

### a. Freedom of Association and the Right to Collective Bargaining

The law allows workers to form or join independent unions of their choice without previous authorization or excessive requirements, and workers exercised these rights. Only the military, the gendarmerie, and the National Guard were prohibited from forming unions. An estimated 95 percent of salaried employees were organized, including teachers, magistrates, health workers, and senior civil servants.

The law allows unions to conduct their activities without interference, and the government respected this right in practice.

Unions have the right to strike, and workers exercised this right. However, the law allows the minister of labor to order arbitration for disputes that may endanger lives, security or health, normal functioning of the economy, or involves a vital professional sector. Civil servants and workers in state-owned enterprises are required to give two weeks' notice of a planned strike and to enter into mediation and negotiations with the employer and a third party, usually the Ministry of Labor and State Reforms. The labor code prohibits retribution against strikers, and the government generally enforced these laws effectively.

The law provides for the right to collective bargaining, and workers exercised this right freely. The law does not prohibit antiunion discrimination, but there were no reports of antiunion behavior or activities during the year.

### b. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children; however, such practices occurred.

Most adult forced labor was found in the agricultural sector, especially rice production, domestic services, gold mining, and the informal economy. Forced child labor was seen in the same sectors, but sometimes with different tasks. Some Koranic school masters also require children to work longer hours than is socially acceptable.

The law prohibits the contractual use of persons without their consent; penalties include a fine and hard labor. Penalties increase to 20 years' imprisonment if a person under age 15 is involved.

Many black Tamasheqs continued to be subjected to forced labor practices and hereditary servitude relationships, particularly in the eastern and northern regions of Gao, Timbuktu, and Kidal. A legal clinic in Gao recorded and filed eight new civil cases regarding traditional slavery between August 18 and October 17. According to NGOs, the judiciary was reluctant to act in forced labor cases. There were no developments in 2010 cases of traditional slavery.

Debt bondage occurred in the salt mines of Taoudenni, located in the North. Individuals, primarily of Songhai ethnicity, including some children, worked as salt miners to pay off debts owed to businessmen in Timbuktu.

Also see the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip](http://www.state.gov/j/tip).

### c. Prohibition of Child Labor and Minimum Age for Employment

The labor code has provisions that pertain to child labor; however, these were often ignored in practice. Child labor was a problem. Child labor was concentrated in the agricultural sector, especially rice production, domestic services, gold mining, Koranic schools, and the informal economy.

While the labor code sets the minimum age for employment at 14, with certain exceptions, an ordinance pertaining to children sets the minimum employment age at 15. The labor code permits children between the ages of 12 and 14 to engage in domestic or light seasonal work, and limits the number of hours they may work. No child is permitted to be employed for more than eight hours per day under any circumstances. Girls who are 16 to 18 years old cannot be employed for more than six hours per day. These regulations were not enforced in practice.

Approximately half of children between the ages of seven and 14 were economically active, and more than 40 percent of children in this age group were subjected to the worst forms of child labor. Child trafficking occurred. Children, especially girls, were used for forced domestic labor. Child labor in the mining sector, including salt mining in Taoudenni and gold mining, was also a problem. Black Tamasheq children were forced to work as domestic and agricultural laborers.

An unknown number of primary school-aged children throughout the country, mostly under age 10, attended part-time Qur'anic schools that were funded by students and their parents and taught only the Qur'an. As part of their work requirement, Koranic masters often required students, known as "garibouts," to beg for money on the streets or work as laborers in agricultural settings.

Authorities enforced labor code provisions, including those related to child labor, through inspectors from the Ministry of Labor and State Reforms, which conducted surprise inspections and complaint-based inspections; however, resource limitations restricted the frequency and effectiveness of oversight by the Labor Inspection Service, which operated only in the formal sector. The Ministry of Labor and State Reforms employed approximately 50 labor inspectors, up from eight in 2007.

On June 8, the Council of Ministers adopted a National Action Plan to combat child labor, especially the worst forms of child labor identified by a 43-member national committee for child labor and trafficking issues chaired by the Ministry of Labor and State Reforms. The government regularly acts in a supporting role for donor projects dealing with child labor.

#### **d. Acceptable Conditions of Work**

The national minimum wage was 28,465 CFA francs (\$58) per month, which did not provide a decent standard of living for a worker and family. The minimum wage was supplemented by a required package of benefits, including social security and health care. Persons working in the informal and subsistence sectors did not receive the minimum wage. The labor code specifies conditions of employment, including hours, wages, and social security; however, many employers either ignored or did not comply completely with the regulations. The Ministry of Labor is also responsible for enforcing the minimum wage, but it did not do so effectively.

The legal workweek is 40 hours, except for work in the agricultural sector. The legal workweek for agricultural employees ranges from 42 to 48 hours, depending on the season. The law requires a weekly 24-hour rest period. Workers have to be paid overtime for additional hours. The law limits overtime to eight hours per week. Labor inspectors usually visited work sites only after complaints were filed by labor unions. Legal standards pertaining to hours of work were not always enforced.

The law provides a broad range of legal protections against hazards in the workplace; however, authorities did not effectively enforce these standards. Workers' groups brought pressure on employers to respect sections of the regulations. With high unemployment, workers often were reluctant to report violations of occupational safety regulations. The Labor Inspection Service oversees these standards but limited enforcement to the formal sector. It was not effective in investigating and enforcing workers' safety and was insufficiently funded for its responsibilities. Workers had the right to remove themselves from dangerous work situations and to request an investigation by the Social Security Department, which is responsible for recommending remedial action where deemed necessary; it was not known if any worker had done so.